IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 27360 of 1995

Between:

1.G.Venkata Siddaiah Naidu S/o. G.Narayanaswamy Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
2.G.Kodanda Naidu S/o. Siddaiah Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
3.B.Sriramulu Naidu S/o. Reddeppa Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
4.V.Doraswamy Naidu S/o. Pothu Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
5.V.Munaswamy Naidu S/o. Yerraiah Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
6.N.Chengaiah Naidu S/o. Pottaiah Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
7.B.Somasekhara Naidu S/o. Mutyala Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist.
8.G.Venkataiah Naidu S/o. Yerraiah Naidu
r/o. Neladanipalle (v), Pakala (M), Chittoor Dist. **..... PETITIONERS**

AND

1.The Dist. Collector,

Chittoor, Chittoor Dist.
2.The Joint Collector,

Chittoor, Chittoor Dist.
3.The Mandal Revenue Officer
Pakala (M), Chittoor Dist.
4.S.Subrahmanyam S/o. Chengaiah
Pachipala Palle (v), Pakala (M), Chittoor Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly on the nature of writ of Mandamus to

declare the proceedings of the 2nd respondent in D.Dis.B5/20055/95, dt: 14/11/1995 as illegal, arbitrary, contrary to law, without jurisdiction and consequently the respondents 1 to 3 be directed to remove the bore-well of the 4th respondent and evict him from the land in S.No..892 of Chereddy Venkataramanayani Cheruvu, Mogarala (v), Pakalal (M), Chttoor Dist., forthwith.

Counsel for the Petitioners: MR.S.V.MUNI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4:

The Court made the following :

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NO.27360 OF 1995

ORDER:

The dispute relates to a borewell and use of its water. Basically, the dispute was between the petitioner and the 4th respondent.

The Counsel for the 4th respondent submits that he has no instructions. The Mandal Revenue Officer in his counter-affidavit has stated as under:

> "It is submitted that actually that Borewell is not in existence at present in Survey No.892 of Mogarala. There is no need of taking any further action in the matter as the encroacher himself vacated in December, 1995. Both the petitioner and the respondents have given consent on 14-11-1997 stating that they have no dispute on this issue or any other problems at present. The statements recorded from them are filed herewith."

In view of the clear stand of the Mandal Revenue Officer that the petitioner and the 4th respondent have reached settlement, and as a matter of fact there is no borewell in existence, the writ petition has become infructuous. Therefore, the writ petition is dismissed. No costs.

(Bilal Nazki, J)

9th September, 2004

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Copy to:

1.The Dist. Collector,

Chittoor, Chittoor Dist.
2.The Joint Collector,

Chittoor, Chittoor Dist.
3.The Mandal Revenue Officer
Pakala (M), Chittoor Dist.
4.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5.Two CD copies.